REMARKS

New Claims

Claims 46 – 49 are new. Support for the new claims can be found throughout the original specification, including, for example, page 6, line 29 – page 7, line 24 of the application as filed.

Claim Objections

The examiner stated, "Claim 15 is objected to because of the following informalities: "comprises" should be "comprising" in line 2." Applicant contends that the use of the term "comprises" is not informal, but has amended the claim solely to advance prosecution.

35 U.S.C. § 103

The examiner rejected claims 1, 2, 5-12,14-16,19-25,27-29,32-41 and 43-45 under 35 U.S.C. 102(e) as being anticipated by Hayes-Roth (U.S. Patent Pub. No. 2003/0028498).

Claim 1 calls for, among other things, "analyzing in the one or more computers...the voice-synthesized, follow-up responses about the transactions to produce market research information." The examiner stated:

> **Consider claim 1, Roth teaches...**
> **...analyzing in the one or more computers the transactions, the**
> **subsequent text inputs and the voice-synthesized, follow-up responses about**
> **the transactions to produce market research information (paragraph 0049,**
> **behavior is based on previous transactions and information assembled on**
> **the shopper. This is market research information.).**

On the contrary, Hayes-Roth is not understood to disclose this feature. Paragraph 0049 of Hayes-Roth is reproduced below:

> **As illustrated with the earlier types of services, the expert sales agent**
> **performs its learning, adaptation, personalization, and relationship-**
> **building services by instantiating, elaborating, or refining application-**
> **independent dialogue and behavior with application-specific information.**

Applicant contends that Hayes-Roth only describes the services of its expert sales agent. Hayes-Roth does not describe analyzing in the one or more computers the transactions, for example, voice-synthesized, follow-up responses about transactions to produce market research information. The examiner states that "**behavior is based on previous transactions and information**

assembled on the shopper. This is market research information." However, while the examiner appears to cite this passage of Hayes-Roth with regard to previous transactions, this passage says nothing about analyzing follow-up <u>responses</u> nor does any other passage in Hayes-Roth appear to disclose or suggest "analyzing … the voice-synthesized, follow-up responses about the transactions."

Thus, nothing in Hayes-Roth discloses or suggests at least this feature of claim 1, and claim 1 is thus allowable over Hayes-Roth. Claims 15 and 28 are directed to similar subject matter as claim 1, and are allowable for analogous reasons as discussed above.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The excess claim fees of **$104** are being paid concurrently on the electronic filing system by way of deposit account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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